

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jonathan Kaminsky	Team: Team # 7	CCRB Case #: 200205782	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/23/2002 11:40 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 2/23/2004	EO SOL 2/23/2004	
Date/Time CV Reported Thu, 08/29/2002 12:37 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/29/2002 12:37 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DI Thomas Galati	00000	883903	47th precinct
2. LT Paul Deentremont	00000	892944	47th Precinct
3. POM Thomas Leonardi	25735	897863	47th Precinct

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Latimer	31565	905401	Emergency Service Squad 2
2. POM Peter McGovern	05005	901968	Emergency Service Squad 2
3. POM Richard Henderson	21949	914807	Emergency Service Squad 2
4. POM Daniel Drago	07730	923783	47th Precinct
5. POF Debra Jack	05793	925504	47th Precinct
6. POM William King	28701	922592	47th Precinct
7. POM Michael Perry	08952	928959	47th Precinct
8. LT James Osullivan	00000	896887	47th Precinct
9. POM Raymond Leddy	05565	883117	47th Precinct
10. POF Arlene Conway	07810	922150	47th Precinct
11. POM Andrew Gelhaus	31452	915807	47th Precinct
12. SGT Michael Fitzpatrick	03716	885633	47th Precinct
13. LT Steven Ruffino	00000	883185	47th Precinct

Officer(s)	Allegation	Investigator Recommendation
A. DI Thomas Galati	Abuse: DI Thomas Galati entered and searched § 87(2)(b)	
B. LT Paul Deentremont	Force: Lt. Paul Deentremont used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
C.LT Paul Deentremont	Discourtesy: Lt. Paul Deentremont spoke obscenely and/or rudely to § 87(2)(b)	
D.POM Thomas Leonardi	Abuse: PO Thomas Leonardi threatened to arrest § 87(2)(b)	
E.POM Thomas Leonardi	Discourtesy: PO Thomas Leonardi spoke obscenely and/or rudely to § 87(2)(b)	

## Synopsis

Late on the evening of August 23, 2002, officers supervised by DI Thomas Galati, the commanding officer of the 47<sup>th</sup> Precinct, entered § 87(2)(b) at § 87(2)(b) after finding underage drinking occurring in front of the establishment. DI Galati determined to close the establishment for the evening, as hard alcohol was also found on the premises, in violation of the establishment's license.

§ 87(2)(b) a customer at the bar, refused the officers' initial requests that everyone vacate the premises. DI Galati, Lt. James O'Sullivan, and Lt. Paul Deentremont converged on him to place him under arrest. As § 87(2)(b) slowly rose from his seat, DI Galati and Lt. O'Sullivan attempted to secure him. § 87(2)(b) suffering from a severe neck injury, lost his balance and fell to the ground, as did the two officers. In the ensuing chaos, Lt. Deentremont kicked him in the face one time with his foot. § 87(2)(b) alleges that Lt. Deentremont then used obscene language in addressing him. Another civilian at the scene, § 87(2)(b) alleges that PO Thomas Leonardi threatened to arrest him and used an obscenity in so doing. § 87(2)(b)

§ 87(2)(b) was removed by ambulance to § 87(2)(b). He was arrested and charged with § 87(2)(b). § 87(2)(b) § 86(1) § 87(2)(b)

## Summary of Complaint

§ 87(2)(b) was interviewed by Internal Affairs on August 24, 2002. His statement to IAB is brief, but consistent with his CCRB statement, which he gave on September 12, 2002, and which is summarized below.

On the evening of August 23, 2002, at approximately 2400 hours, § 87(2)(b) was inside of § 87(2)(b). He had been there since approximately 2030 hours. There is a group of people that is typically there. § 87(2)(b) himself goes to the club more than once a week on average. Typically, he goes there, drinks beer, listens to music, watches TV, plays dominoes, and socializes with others at the club. § 87(2)(b) states that the club is a licensed establishment, and it sells beer and wine. § 87(2)(b) notes that members of the club will at times go to the downstairs of the club (discussed below) in order to drink their "own private beverage," which is stored in the club, but no such beverages are consumed in the bar.

The club's main floor is approximately thirty-six feet long and twelve feet wide. Coming in from the front door, one would find a row of chairs on the left. § 87(2)(b) estimates that there were approximately eight people seated on these chairs at the time of the incident. § 87(2)(b) was seated at the first of two tables past the bar. Past the tables there is a stairway that leads to the basement. The basement is where club members go to drink. § 87(2)(b) also prepares meals in the basement. She was in the basement as the incident began, preparing a meal. Assisting her in this capacity was § 87(2)(b) an employee of § 87(2)(b). § 87(2)(b) § 87(2)(b) was seated facing away from the door at his table and was playing dominoes with three other men. On his right was § 87(2)(b) on his left was § 87(2)(b), and seated across from him was § 87(2)(b). As they were playing dominoes, someone entered the club and shouted "everybody get out." § 87(2)(b) turned around in his chair and observed the officer who he later identified in a photo viewing session (discussed below) as Deputy Inspector Thomas Galati, who was in a white shirt. This was the officer who had given the order. Accompanying him was a second officer, identified in the course of the investigation as Lt. James O'Sullivan. § 87(2)(b) states that DI Galati has come into the club before this on more than one occasion and demanded that everyone leave. § 87(2)(b) is not certain why the police are interested in the club. § 87(2)(b) states that when DI Galati demanded that everyone leave this time, no one moved, as he had made these seemingly baseless demands in the past.

§ 87(2)(b) had been downstairs, but came up when DI Galati and Lt. O'Sullivan, both white males, entered the premises. DI Galati and Lt. O'Sullivan went to the back of the club, near the empty dominoes table behind § 87(2)(b) where they met § 87(2)(b). The three of them went back by the stairs, outside

of the earshot of § 87(2)(b) is not certain of what transpired between these three at that time. Approximately three minutes later, DI Galati and Lt. O'Sullivan came out from the back and DI Galati again shouted, "everybody get out." At this, "everybody started moving toward the front exit." The three others at the table with § 87(2)(b) all got up and proceeded to exit the establishment. § 87(2)(b) who suffers from lingering injuries, including a broken neck, from a car accident, was slower than the others in getting up. When § 87(2)(b) went to get up from his chair, he lost his balance, the back of his chair tilted, and he stumbled. § 87(2)(b) had recovered his balance, however, and had not fallen to the ground. § 87(2)(b) does not know if the officers "took offense or took it as if I was trying to do something," but "all of the sudden I was on the floor," as Lt. O'Sullivan "pounced on me" from behind, grabbing § 87(2)(b)'s left bicep with his hand and pulled his left arm behind his back, stating "you're under arrest." § 87(2)(b) noting that "I'm weak, I'm not strong," lost balance, and fell to the ground. Lt. O'Sullivan went to the ground on top of § 87(2)(b). § 87(2)(b) then felt a foot on the back of his neck. This foot was applying pressure. He could not see who the foot belonged to, but states that it was DI Galati who put his foot on § 87(2)(b)'s neck. While DI Galati had his foot on § 87(2)(b)'s neck, Lt. O'Sullivan was attempting to handcuff § 87(2)(b). DI Galati told § 87(2)(b) to "put your hands behind you, put your hands behind you. Get your hands behind you." and that "you are under arrest." § 87(2)(b) responded that "my hands can't go behind me officer. Why are you doing this? I'm sick, I just got out of the hospital." § 87(2)(b) heard other people who were near the exit shout "He's a sick man, he's a sick man. He just got out of the hospital." § 87(2)(b) estimates that DI Galati kept his foot on § 87(2)(b)'s neck for approximately one minute. § 87(2)(b) then felt a sharp pain in his neck. § 87(2)(b) stated, "My neck, my neck. Please get your foot off of my neck." This was to no avail. § 87(2)(b) states that he was not resisting in any way, but that "I have a problem with my hands, so my hands can't go behind me." § 87(2)(b) states that he was attempting to explain to the officers that he had sustained a broken neck in an auto accident and that he was unable to put his hands behind his back. It was at this point that a third officer, identified in the course of the investigation as Lt. Paul Deentremont, kicked § 87(2)(b) one time in the face and told him to "shut up." § 87(2)(b) now realized that there was a third officer coming into physical contact with him. § 87(2)(b) is certain that the officer that kicked him in the face was a different officer from DI Galati and Lt. O'Sullivan, as Lt. O'Sullivan was on top of him and DI Galati had a foot on his neck. § 87(2)(b) was later (after his release from police custody) told by bystanders "in the neighborhood" that Lt. O'Sullivan and DI Galati had arrived with other officers, and that these officers had been speaking with some young men who had been drinking outside of § 87(2)(b). After approximately one minute of being on the floor, § 87(2)(b) was handcuffed, and he was rolled over onto his back, which increased his pain, although DI Galati did at this point remove his foot from § 87(2)(b)'s neck. § 87(2)(b) looked up at Lt. Deentremont and asked him why he had kicked him. Lt. Deentremont responded that "That made you shut up, though." § 87(2)(b) cried out in pain, and asked that he be taken out of the handcuffs and let to lie on his stomach. Lt. O'Sullivan turned § 87(2)(b) over onto his stomach, leaving the handcuffs on. This gave § 87(2)(b)'s pain some relief. § 87(2)(b) estimates that six to seven minutes passed with him in handcuffs, face-down lying on the floor before the arrival of medical assistance. During this time, additional officers arrived at the scene. He was face-down on the ground, so he is not certain how many officers there were, but he estimates that there were four or five of them. Shortly thereafter, officers on the scene began to wrap § 87(2)(b) in a velcro bag. § 87(2)(b) was throughout this incident screaming about the pain in his neck. He was pleading with the officers to put him back on his side, because he was in too much pain lying on his back. § 87(2)(b) was left to lay on his back.

Six to seven minutes after § 87(2)(b) was placed in handcuffs, one or two EMTs arrived at the scene with a stretcher. The officers told the EMT(s) to open up the stretcher, which the EMT(s) did. Several officers (§ 87(2)(b) does not recall which) lifted § 87(2)(b) up and placed him on the stretcher. The EMT(s) rolled him out to the ambulance. He was placed in the ambulance, where the EMTs asked him for his pedigree information. He was then taken to § 87(2)(b) for psychiatric evaluation. § 87(2)(b) was then seen by a medical doctor who took x-rays and MRIs. He was interviewed by Internal Affairs at that time. After being released from the hospital, he was charged with § 87(2)(b).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

On February 14, 2003, § 87(2)(b) viewed sixteen photos of officers identified by police paperwork as having been at the scene, including Lt. Deentremont. He identified DI Galati as the officer who entered and ordered people to leave. He was not able to identify any of the other officers.

## Results of Investigation

### *Civilian Statements*

§ 87(2)(b)

A female identifying herself as § 87(2)(b) called 911 (see 911 call transcription, enclosure 55) during this incident, stated that approximately twenty officers were beating a male inside of § 87(2)(b)'s. She stated that she could not see the man from where she was. Despite attempts to locate and contact § 87(2)(b) (see Investigative Actions for details), the investigator was unable to do so.

§ 87(2)(b)

§ 87(2)(b) is § 87(2)(b), two stores down from § 87(2)(b)'s, at § 87(2)(b). § 87(2)(b) told Internal Affairs investigators on August 24, 2003 that she observed an officer closely fitting the description of DI Galati kicking a male fitting § 87(2)(b)'s description in the face and the back of the head as § 87(2)(b) lay on the ground. She stated that she observed another officer with his knees in § 87(2)(b)'s back. She stated that she could not tell if § 87(2)(b) was in handcuffs during this time. This investigator interviewed § 87(2)(b) on November 25, 2003 at her work. She at this time stated that, standing in the doorway of § 87(2)(b)'s, she saw a male fitting the description of § 87(2)(b) lying on the floor with three officers, white males, in physical contact with him. She states that two officers were on either side of him, and that the third, fitting the description of DI Galati, was holding § 87(2)(b)'s head down to the ground. She stated to the CCRB that she did not observe any other officers strike § 87(2)(b) at any time.

§ 87(2)(b)

§ 87(2)(b) was interviewed at the § 87(2)(b) on White Plains Road in the Bronx on October 4, 2002. On the date and at the time in question, four or five officers entered the club, and speaking to the patrons "like dogs," told them to "get out of here, get out of here! Go home." All of the officers were in plainclothes, except for one officer, a short white male, who was in a white uniform shirt. This officer was identified by § 87(2)(b) as DI Galati. § 87(2)(b) said "Why are you treating us like that?" We're just trying to play some dominoes." § 87(2)(b) who was seated with his back to the door, said that he would not move until the place was closed. DI Galati went downstairs with one of the other officers for a few minutes, presumably to speak with § 87(2)(b). When he returned upstairs, a short and bald officer told everyone that they had to leave. § 87(2)(b) said that he was not leaving until he knew what was happening. An officer who § 87(2)(b) identified in a photo viewing session as Lt. Paul Deentremont, threw § 87(2)(b) to the ground from a seated position. § 87(2)(b) landed on his stomach. One of the three officers handcuffed § 87(2)(b). DI Galati had his foot on § 87(2)(b)'s back. § 87(2)(b) was not resisting in any way, nor was he trying to get up. § 87(2)(b) told DI Galati and the other officers that § 87(2)(b) was a sick person, and that he should be treated with care. § 87(2)(b) then saw Lt. Deentremont kick § 87(2)(b) one time in the face. There were still several people, perhaps fifteen, inside of the bar when this occurred. § 87(2)(b) was screaming, "Murder, murder, help me, help me." § 87(2)(b) started to try to explain to an officer who he identified in a photo as PO Thomas Leonardi that § 87(2)(b) was injured, and this officer responded, "Shut the fuck up or I'll arrest you," adding that he had to leave the premises. § 87(2)(b) complied and walked outside. In the photo viewing session, conducted on February 14, 2003, § 87(2)(b) identified Lt. Deentremont, PO Leonardi, and DI Galati as having been at the scene, and his description of their actions were consistent with his previous statement.

§ 87(2)(b)

§ 87(2)(b) was interviewed at the § 87(2)(b) on October 4, 2002. On August 23, at approximately 2330 hours, § 87(2)(b) was inside of § 87(2)(b) seated and playing dominoes with § 87(2)(b) and § 87(2)(b). Approximately four male police officers entered the bar. One of these officers, identified by § 87(2)(b) in a February 14, 2003 photo viewing session as DI Galati, who § 87(2)(b) states "was the one in charge," walked straight into the bar and back to the table where the men were playing dominoes. Standing in front of the table, DI Galati told the men that they would have to leave the bar. § 87(2)(b) responded to DI Galati by saying that he wanted to finish his game. DI Galati left the table for a short time and then returned, telling § 87(2)(b) that he would have to get up. As § 87(2)(b) (whose hands are injured and who cannot grip onto things easily) was starting to get out of his chair, DI

Galati and one other officer § 87(2)(b) does not recall which officer this was) approached § 87(2)(b) § 87(2)(b)'s chair (which had no armrests on it) was kicked out from under him by one or more of the officers. Either DI Galati, another officer, or Officer 1 along with another officer grabbed § 87(2)(b) by the wrists. § 87(2)(b) fell to the ground on his side. One or more of the officers § 87(2)(b) does not recall which one[s] were holding on to § 87(2)(b) and were attempting to turn § 87(2)(b) on his back. One officer § 87(2)(b) does not recall which placed a knee on § 87(2)(b)'s back. People were yelling at the officers, "No, no. The guy is injured)." One or more of the officers was attempting to place § 87(2)(b)'s arms behind his back. One or more officers was holding § 87(2)(b)'s arms behind him. It took approximately five to ten minutes to place the handcuffs on § 87(2)(b). At one point during the incident, DI Galati kicked § 87(2)(b) in the nostril. § 87(2)(b) was approximately five feet from them when this occurred. Shortly after this, § 87(2)(b) was told by one of the officers to leave the bar, and he did so, remaining standing outside for the duration of the incident.

§ 87(2)(b)  
§ 87(2)(b) owner of the § 87(2)(b) was interviewed at the § 87(2)(b) on October 4, 2002. On the evening of August 23, 2002, § 87(2)(b) was in the basement of her establishment, cooking in preparation for a party the following day. She left § 87(2)(b) in charge at the bar, and told her to get her in the basement if she was needed. At approximately 2300 hours, § 87(2)(b) came downstairs and told § 87(2)(b) that there were officers upstairs. Two officers, DI Galati, and another officer, identified in the course of the investigation as Lt. Deentremont, came down behind § 87(2)(b). § 87(2)(b) asked the officers what was happening. DI Galati told her that there were underage people in the bar. § 87(2)(b) told DI Galati that this was not true. The four of them went upstairs together. Upstairs, § 87(2)(b) saw several officers driving the customers out of the bar. § 87(2)(b) was still seated at the dominoes table where he had been playing. After less than five minutes upstairs, § 87(2)(b) went back downstairs to tend to food that was on the stove. Approximately five minutes later, § 87(2)(b) heard "Murder, murder, murder! You see him kick me in the face?" § 87(2)(b) was screaming this. § 87(2)(b) ran upstairs. § 87(2)(b) does not know what happened before she got there, but she observed the officer identified as Lt. Deentremont kneeling into § 87(2)(b)'s back and placing his hands in handcuffs. § 87(2)(b) was lying flat on his stomach. He was still screaming out in pain. § 87(2)(b) screamed, repeatedly, "No, no, this man is sick. You can't do that. He's got a broken back." After § 87(2)(b) was removed by EMTs who arrived at the scene within minutes, § 87(2)(b) was told to shut the bar down for the evening, and complied.

Deputy Inspector Galati had come to her establishment several times in the past year. He would kick everyone out. He always comes on Friday nights. He has come approximately six times. He typically would ask for the license to the establishment. He thought that it might have been a fake license. § 87(2)(b) had also received a ticket for § 87(2)(b). He has told § 87(2)(b) that "You're not working with me." He has never explained to § 87(2)(b) what he means by this, and she has never asked for clarification. She knows his name because she saw an article in the paper with his name and picture in it. In her February 14, 2003, photo viewing session, § 87(2)(b) identified only DI Galati as an officer present at the scene.

§ 87(2)(b)  
§ 87(2)(b) was interviewed at the § 87(2)(b) in the Bronx on October 4, 2002. On the evening of August 23, 2002, § 87(2)(b) was present at the club. She is not employed there, but helps § 87(2)(b) with running the club. Between 2300 and 2330 hours, § 87(2)(b) was behind the bar, when approximately five officers entered. The officer identified in the course of the investigation as DI Galati (and described by § 87(2)(b) as being "in charge"), approached § 87(2)(b) and asked, "where's § 87(2)(b). Let me have the license. You're closed, you're closed." § 87(2)(b) went down to the basement to get § 87(2)(b). DI Galati and another officer accompanied her down. While in the basement, § 87(2)(b) heard chairs falling over upstairs, and she heard people shouting, "he's sick, he's sick, you can't throw him down on the floor like that." § 87(2)(b) returned upstairs, and saw § 87(2)(b) lying on his side on the floor and in handcuffs. She is not certain if DI Galati and the other officer had returned upstairs before her or not, or if they were downstairs when she heard the commotion. One of the police officers, the description of whom § 87(2)(b) does not recall, had his knee in § 87(2)(b)'s back.

§ 87(2)(b) was screaming that he was in pain and was asking for help. Several of the officers told § 87(2)(b) to be quiet. DI Galati, who was back upstairs, kept § 87(2)(b) in the bar for a time, asking her for her identification. By this time, nearly all of the other civilians had already been ushered out of the bar. § 87(2)(b) and § 87(2)(b) were still inside of the bar at this time. There were four or five officers upstairs at this time. People were continuing to tell the officers from the front of the bar that § 87(2)(b) was sick, that he had just come out of the hospital, and that they should let him up off of the ground. One of the officers (“It happened so fast that I don’t know which one it was,”) kicked § 87(2)(b) one time up near the shoulder area. There were approximately three officers standing around § 87(2)(b) when he was kicked. DI Galati went over to § 87(2)(b) and placed his foot on § 87(2)(b)’s back. § 87(2)(b) is not certain if he did this before or after § 87(2)(b) was kicked. § 87(2)(b) asked § 87(2)(b) to reach inside of his pocket for his cellphone and to call his wife. She did not do so, as DI Galati told her not to touch him. Additional officers, several of them, did respond to the scene. § 87(2)(b) states that if they had responded by the time that § 87(2)(b) was kicked, then they were still outside of the bar. § 87(2)(b) left the bar shortly after this, and remained outside of the bar for a short time. At least one ambulance was outside of the bar when she exited.

§ 87(2)(b) states that all of the officers “jumble together” in her mind, except for DI Galati, as she has seen him before this incident on more than one occasion. Indeed, on February 14, 2003, when shown photos of 16 officers present at the scene, she recognized only DI Galati.

#### EMT § 87(2)(b)

§ 87(2)(b) an EMT with § 87(2)(b), was interviewed at § 87(2)(b) on February 12, 2003. On August 23, 2002, § 87(2)(b) was partnered with EMT § 87(2)(b). At 2321 hours, they received a call of an EDP at § 87(2)(b). They responded, arriving at 2325 hours. There was a large, agitated crowd of civilians standing outside of bar. There were 10-15 officers outside of the location. EMT § 87(2)(b) and his partner were escorted into the bar by police officers. Upon entering the bar, EMT § 87(2)(b) observed a male black lying prone on the ground and in handcuffs. This male was spitting and kicking his legs and was screaming. EMT § 87(2)(b) does not recall what this male was saying. There were one or more officers standing near him, but EMT § 87(2)(b) did not observe any officers in physical contact with him. There was a ranking officer in a white shirt, who EMT § 87(2)(b) thought to be a Lieutenant, who told EMT § 87(2)(b) and his partner not to approach the male subject before the arrival of ESU. EMT § 87(2)(b) remained standing near the subject for the next ten minutes. EMT § 87(2)(b) states that the subject continued to yell throughout this time, although he does not recall what he was yelling. EMT § 87(2)(b) had no indication that the subject was injured. The subject did at one point say something about having a broken neck, as noted on the ACR, but EMT § 87(2)(b) states that if his neck was truly broken then he would not have been moving his head as much he was; the subject was moving his head back and forth and spitting while lying prone on the ground. There were to EMT § 87(2)(b)’s recollection no other civilians inside the establishment at this time. ESU arrived approximately ten minutes after EMT § 87(2)(b). ESU placed the subject in a mesh bag, strapped the bag to a board, and placed him on a stretcher. The subject continued to scream and yell throughout this process. EMT § 87(2)(b) and his partner carried the subject out of the establishment on a stretcher with police officers escorting them. The subject was placed into the ambulance and they left the scene at § 87(2)(b). EMT § 87(2)(b) was the driver of the ambulance. EMT § 87(2)(b) remained in the back of the ambulance with the subject and an officer. The subject continued to scream and yell while in the ambulance. They arrived at the hospital at § 87(2)(b) and had no further contact with the subject after this time.

#### Officer Statements

##### DI Thomas Galati

Deputy Inspector Thomas Galati, Commanding Officer of the 47<sup>th</sup> Precinct (who has since been promoted to Inspector and is the C/O of the 46<sup>th</sup> Precinct), was interviewed at the CCRB on February 27, 2003. On the evening of August 23, 2002, he was out with Lt. James O’Sullivan and PO Debra Jack. The three of them were inspecting bars and social clubs (DI Galati makes no distinction between the two, although self-professed ‘social clubs’ or ‘athletic clubs’ claim private membership). As the three of them were just outside of § 87(2)(b) (owned by § 87(2)(b) who DI Galati knows from past dealings, discussed below), two male blacks exited the club. They had plastic cups in their hands. DI Galati asked them what was inside of the cups. One or both of the males acknowledged that it was Hennessy Liqueur. DI

Galati smelled the liquor from the cups. One of the males was underage. DI Galati instructed PO Jack to issue summonses to the two males. As PO Jack was issuing the summonses, DI Galati entered the club. The door has a buzzer and is locked, which is a violation for bars. DI Galati entered the bar. He believes that he was the only officer to enter the bar at this time. He is not certain at what point exactly Lt. O'Sullivan and/or PO Jack (or other officers) entered the bar. The bar is small, and has a basement, where there is space for parties. DI Galati observed several individuals drinking what appeared to be hard alcohol, which is a violation, as that bar has only a license to sell beer and wine. He told everyone to finish their drinks, but that he would be closing the bar. He states that he "did not rush" anyone to leave at this time. He approached the bar and asked the female bartender (identified by the investigator as § 87(2)(b) for her ID and for the bar's license, which typically is hung on the wall. She did not immediately furnish her ID, although she later produced one (after calling someone and having it brought to her), and she summoned § 87(2)(b) (who was downstairs) to speak with DI Galati. § 87(2)(b) came upstairs shortly thereafter. DI Galati spoke with § 87(2)(b) upstairs in the bar area (although he does not recall specifically where). He told her that she was in violation of several codes and that she would as a result be receiving several summonses. DI Galati at this time radioed to his Social Club Team (consisting of Sgt. John Yurkins, PO Raymond Leddy, PO Arlene Conway, and PO Andrew Gelhaus) to come to the scene, as they spend a majority of their time issuing summonses to bars/social clubs that are not up to code. § 87(2)(b) asked DI Galati if she could have a word with him in private in the basement. DI Galati agreed, and the two of them (no one else accompanied them) went downstairs. There, § 87(2)(b) asked DI Galati to cut her a break and not issue her any summonses. DI Galati told her that this was not possible. They returned upstairs. DI Galati was downstairs for no more than five minutes. Upon returning upstairs, DI Galati believes that Lt. O'Sullivan was now in the bar. DI Galati does not know if any other officers were in the bar. Most of the patrons had left the bar by this time, approximately ten minutes after DI Galati had entered the bar and announced that the bar would be closing. There was a crowd of civilians outside of the bar, and there were officers outside preventing them from entering the bar. DI Galati does not know if he called for additional units to respond at this time or not. Other than Lt. O'Sullivan, who was in the bar at this time, he does not know which other officers were in the bar. There was a group of males playing dominoes at a table toward the rear of the bar. DI Galati repeated that they had to leave. Only one, a large black male, who was seated with his back to the front door, said that he would not leave. DI Galati told this subject, identified by DI Galati as "probably your complainant" (and hereafter referred to as § 87(2)(b) several more times that he had to leave. § 87(2)(b) loudly stated that he would not move. He appeared to be intoxicated, as he was glassy-eyed, was speaking in a raised tone of voice, and was not to DI Galati's mind behaving rationally. DI Galati told § 87(2)(b) at least twice that he would be arrested if he did not leave. § 87(2)(b) stated that he was not going to be arrested. DI Galati, who was now backed by Lt. O'Sullivan, put his hand on § 87(2)(b)'s left arm. § 87(2)(b) jerked his arm away from DI Galati and clenched his arms together in front of his chest. DI Galati told Lt. O'Sullivan that they would have to physically place § 87(2)(b) under arrest. DI Galati again grabbed a hold of § 87(2)(b)'s arm. He believes but is not certain that Lt. O'Sullivan did the same with § 87(2)(b)'s other arm. § 87(2)(b) flailed his arms and kicked violently with his legs, knocking over the table at which he was seated and the chair that he was sitting in. § 87(2)(b) fell to the ground. DI Galati and (DI Galati believes but is not certain) Lt. O'Sullivan also fell to the floor. § 87(2)(b) fell on his back but then turned over to his stomach. DI Galati and Lt. Sullivan each grabbed an arm of § 87(2)(b). DI Galati was on his knees to the side of § 87(2)(b). He did not have his knees in § 87(2)(b)'s back. Neither did Lt. O'Sullivan or any other officer that may or may not have been assisting in the arrest of § 87(2)(b). § 87(2)(b) had his arms clenched under his chest and stomach area. It was very difficult to get his arms from under him, and he was resisting violently. It took approximately one minute to get § 87(2)(b)'s arms out from under him and into handcuffs. DI Galati and Lt. O'Sullivan had to use two sets of handcuffs, cuffed to each other, in order to successfully handcuff § 87(2)(b). § 87(2)(b) was throughout this process extremely belligerent. He was screaming that he was going to sue the officers and the police department and that he would "own" the officers. § 87(2)(b) continued to scream throughout the incident. § 87(2)(b) at no time made any mention of injury. Shortly after he was placed in handcuffs, § 87(2)(b) started to bang his head against the floor. He did so repeatedly until DI Galati lifted his head up, preventing him from doing so. § 87(2)(b) then started to bang his head against the side of the bar. DI Galati, thinking that § 87(2)(b) was an EDP, called for ESU and EMS. He is not certain how long it took for either to arrive, or who arrived first, but until their arrival, DI Galati (and perhaps other officers, although DI Galati does not recall for certain) had to physically hold § 87(2)(b) in order to prevent



him from continuing to bang his head. ESU arrived and placed § 87(2)(b) in a strapped EDP bag. He was removed by EMS to a hospital.

DI Galati at no time put his foot into § 87(2)(b)'s neck or back. He at no time kicked § 87(2)(b). DI Galati did not observe any other officers do any of these things. No officers were injured in the course of this incident.

DI Galati, when working evenings, often does inspections of bars in the 47 Precinct. He states that all bars in the 47 Precinct are inspected routinely. DI Galati notes that he has one more than one occasion been to § 87(2)(b) for inspection purposes, and that § 87(2)(b) the owner, has been a "chronic" problem, as her bar has consistently been in violation of several codes. He therefore knows § 87(2)(b). DI Galati states that he believes that he has been back to § 87(2)(b) since the date of the incident. He is certain that members of the Social Club Team have been back there.

#### Lt. James O'Sullivan

Lt. James O'Sullivan of the 47<sup>th</sup> Precinct was interviewed at the CCRB on April 15, 2003. On August 23, 2002, Lt. O'Sullivan was the Special Operations Lieutenant, and was the supervisor of all conditions, SNEU, and special operations officers working out of the 47<sup>th</sup> Precinct. He was riding with DI Thomas Galati, the C/O of the precinct. Late on the evening of August 23, 2002, they were near the corner of 228<sup>th</sup> Street and White Plains Boulevard. Lt. O'Sullivan does not recall if they had any additional officers with them. He does not recall if they happened to be walking in the area or if they were headed to § 87(2)(b) located just north of the intersection. In any event, they were just outside of § 87(2)(b) when two young males exited the club with cups in their hands. The officers approached the males and determined that they were underage, although Lt. O'Sullivan does not recall if he or another officer saw their IDs. Lt. O'Sullivan and DI Galati went to enter the establishment. They had to be buzzed in, which, Lt. O'Sullivan notes, is in itself a violation. Upon being buzzed in and entering the club, Lt. O'Sullivan found full bottles of hard alcohol being stored behind the bar. As the bar has only a beer and wine license, the officers determined to close it down for the evening. Lt. O'Sullivan instructed everyone to leave the bar. Most of those in the bar got up and left. A few minutes later, everyone except for the owner, the bartender, and a table of four or five men playing dominoes in the back had left. They were still playing their game. Lt. O'Sullivan told the men that they had to leave the bar. All of the men at the table started to get up to leave except for one, identified by Lt. O'Sullivan as § 87(2)(b) § 87(2)(b) who was intoxicated (Lt. O'Sullivan could tell by his breath, which smelled like alcohol, and his speech, which was slurred), was telling the officers that he did not have to leave and that he had no intention of leaving. Lt. O'Sullivan repeated to § 87(2)(b) that he had to leave or he would be arrested. § 87(2)(b) said that the officers could arrest him, but that he had no intention of leaving. With § 87(2)(b) still seated, Lt. O'Sullivan grabbed one of his arms (he does not recall which one), now intending to arrest him. § 87(2)(b) tried to shake his arm free. Lt. O'Sullivan does not recall whether DI Galati was also in contact with § 87(2)(b) noting that he was focused on his own physical contact with § 87(2)(b). As § 87(2)(b) still seated continued to struggle to get free, he and Lt. O'Sullivan fell to the ground. Lt. O'Sullivan does not know how § 87(2)(b) landed on the ground. Once on the ground, he and DI Galati rear-handcuffed § 87(2)(b). Lt. O'Sullivan does not recall whether § 87(2)(b) was on his stomach or back at this time. By the time that § 87(2)(b) was handcuffed, additional units had responded to the scene and had entered the establishment. Lt. O'Sullivan does not recall who specifically responded. Once in handcuffs, § 87(2)(b) who was facing the front of the bar, started to hit his head repeatedly against the bar footrest. Lt. O'Sullivan and DI Galati held his head in an effort to prevent him from continuing to do this. Lt. O'Sullivan observed no injuries to § 87(2)(b) at any time. No officer kicked or punched § 87(2)(b). No officer placed a knee in § 87(2)(b)'s back at any time.

#### Lt. Paul Deentremont

Lt. Paul Deentremont of the 47<sup>th</sup> Precinct (who has since been promoted to Captain and has been transferred to the 46<sup>th</sup> Precinct) was interviewed at the CCRB on September 2, 2003. On August 23, 2002, Lt. Deentremont was working with DI Thomas Galati and Lt. John O'Sullivan. They were on routine patrol. Lt. Deentremont does not believe that any other officers were present with them, although he does not recall. After 2300 hours, the three of them were in front of § 87(2)(b) on the § 87(2)(b). Lt. Deentremont reiterates that underage drinking was observed outside of the club. Lt. Deentremont remained outside with the two individuals, while DI Galati, after he had called

for backup, went inside of the club with Lt. O'Sullivan. A short time later, additional units arrived at the scene. Lt. Deentremont was joined by these units outside of the club; he does not recall who these officers were. Lt. Deentremont entered the club shortly after the arrival of these officers. Lt. Deentremont is consistent with the preceding officers regarding what transpired next. After approximately five minutes, it became clear that one black male, who had been seated and playing dominoes, was refusing to leave. He was the only customer who was not leaving. DI Galati and both lieutenants told him repeatedly to leave. He said that he was not leaving. Lt. Deentremont is not certain whether all of the other patrons had fully exited the club by the time that DI Galati made the determination to place this male, identified by the investigator as § 87(2)(b) under arrest. Once the decision was made, DI Galati and both lieutenants approached § 87(2)(b) who was still seated at his table. As they approached, § 87(2)(b) flipped the table over and fell down. The table struck DI Galati and Lt. O'Sullivan and caused them to fall over. Lt. Deentremont, who was standing five feet from the table, did not fall down. The three officers converged on § 87(2)(b) who was lying face-down on the ground and keeping his arms under his waist, refusing to be placed in handcuffs. The three officers attempted for approximately one minute to place § 87(2)(b) in cuffs before successfully doing so. None of them came into contact with any part of him other than his arms. Lt. Deentremont did not at this or at any other time hear § 87(2)(b) complain of any back or neck injury or pain. § 87(2)(b) was, however, screaming, and once he was placed in cuffs, he commenced banging his forehead and left temple area against the floor and the bar's customer footrest. § 87(2)(b) managed to do this several times before Lt. Deentremont intervened and placed his hand over § 87(2)(b)'s forehead. DI Galati called ESU; an ambulance also came to the scene. Lt. Deentremont denied ever kicking § 87(2)(b) in the face.

#### PO Debra Jack

PO Debra Jack of the 47<sup>th</sup> Precinct was interviewed at the CCRB on March 11, 2003. On August 23 and 24, 2002, PO Jack worked a 1500 by 1005 hours tour. She went out with DI Thomas Galati and Lt. James O'Sullivan in an unmarked white SNEU van to observe where drug transactions were occurring up and down White Plains Boulevard. Before the start of this incident, at 2305 hours, she and Lt. O'Sullivan had split with DI Galati, and were doing observations alone. At 2305 hours, a call came over the radio from DI Galati. He stated that he was at the § 87(2)(b) and that he needed PO Jack to come to the scene to write summonses to two males who were drinking alcoholic beverages outside of § 87(2)(b). DI Galati was with the two young black males. PO Jack does not believe that any other officers were at the scene at this time. While PO Jack was writing the summonses, DI Galati and Lt. O'Sullivan entered the bar. Within a few minutes of them having entered the bar, people started to exit it. They started to gather around outside of the bar, and people who had been on White Plains Road came over to see what was happening. PO Jack estimates that there were approximately fifty civilians outside of the bar. As civilians were gathering, additional units from the 47<sup>th</sup> Precinct arrived at the scene, approximately 10 officers. She does not recall specifically who these officers were. Some went inside, others remained outside with her to control the crowd. Approximately twenty minutes after DI Galati entered the bar, a male black, identified by the investigator as § 87(2)(b) was taken out of the bar on a stretcher. DI Galati exited the bar and told PO Jack that she was to escort § 87(2)(b) to the hospital. PO Jack entered the ambulance and sat in the back of it to § 87(2)(b). § 87(2)(b) was compliant with the EMT in the back of the ambulance. PO Jack does not recall what if anything § 87(2)(b) was saying at this time.

#### PO Andrew Gelhaus, PO Arlene Conway, & PO Raymond Leddy

PO Andrew Gelhaus of the 47<sup>th</sup> Precinct was interviewed at the CCRB on April 2, 2003. PO Arlene Conway was interviewed the following day. PO Raymond Leddy was interviewed on April 15, 2003. On August 23 and 24, 2002, the three were working together as a social club and bar conditions team. At 2350 hours, PO Gelhaus, PO Conway, and PO Leddy responded to a 10-85 radio call to § 87(2)(b). Upon their arrival, there were approximately fifty people outside of the club. PO Gelhaus entered the establishment, and was present inside of it during § 87(2)(b)'s arrest, but averted his eyes during it. PO Leddy entered the club, observing as he entered Lt. O'Sullivan and DI Galati, standing near a male black, identified by the investigator as § 87(2)(b) who was lying on his stomach and rear-cuffed. § 87(2)(b) was banging his head against the floor and against the bar footrest. He was screaming. DI Galati and Lt. O'Sullivan, the only two officers that PO Leddy can recall being in the club, were holding § 87(2)(b)'s head back in an attempt to keep him from banging it. DI Galati instructed PO Leddy to issue several

summonses to the § 87(2)(b) PO Leddy issued several summonses to the § 87(2)(b) for violations. He does not know the status of these summonses and he has not gone to court for them.

PO Conway remained outside of the club for several minutes, and entered after the crowd started to disperse. There was the smell of marijuana inside of the club, and there were small plastic bags containing trace amounts of marijuana inside of them on the floor and on the table. There were also beer bottles on the floor. PO Conway issued three summonses to § 87(2)(b) the owner of the club. These summonses were for § 87(2)(b). PO Conway did not observe the male who she later heard (she does not recall from whom) was arrested. He had already been taken away by the time that she came inside.

#### Det. Peter McGovern, PO Richard Henderson, & PO John Latimer

Det. Peter McGovern, PO Richard Henderson, and PO John Latimer of ESU truck 3 were interviewed at the CCRB on February 11, 2003. On the evening of August 23, 2002, they received a call of an EDP on White Plains Road in the Bronx. They arrive at the scene three to five minutes after getting the call. Det. McGovern remained either inside of the truck or standing immediately next to the truck for the entirety of the time that ESU was at the scene. Both PO Henderson PO Latimer exited their truck and went inside of the bar, where they found approximately five officers. There was a male black, the EDP, § 87(2)(b) on the ground. § 87(2)(b) was kicking with his legs and was yelling. Neither officer recalls what he was yelling or if he was complaining of injury. At least one officer for each body area was securing § 87(2)(b)'s legs, his arms, and his head. The officers applied velcro straps to § 87(2)(b) and then placed him on a mesh bag. EMS had arrived by this time, and they placed § 87(2)(b) on a stretcher and removed him from the location. Neither officer knew of any injuries sustained by § 87(2)(b).

#### PO Thomas Leonardi

PO Thomas Leonardi, interviewed on March 18, 2003, maintains that he never responded to this scene. His memo book indicates that at 2315 hours he was posted to a water tunnel at Van Cortlandt Park East, near 241<sup>st</sup> Street, and that he was relieved of this post at 0001 hours. He denies the allegations that § 87(2)(b) makes against him.

#### Additional Officers

PO William King, PO Lt. Steven Ruffino, PO Daniel Drago, PO Michael Perry, and Sgt. Michael Fitzpatrick were interviewed in connection with this investigation and denied being present for this incident. No civilians identified any of these officers as being present. Sgt. Robert Ryan, identified by IAB paperwork and by § 87(2)(b) as being present at the scene, has since left service, and was not interviewed in connection with this investigation. His Separation File indicates that he left service on January 3, 2003 (enclosure 48).

#### Medical Documents

##### Ambulance Call Report (enclosure 49)

The ACR indicates that § 87(2)(b) was saying "take me out of the handcuffs." That he was presenting a "behavioral" problem, and that he had a history of a broken neck. It notes that he was prone on the ground and in handcuffs. He had refused to leave and was combative. He had an abrasion to the nose, but no other obvious injuries.

##### ER Documents (enclosure 50)

§ 87(2)(b) was admitted to § 87(2)(b). He was treated for second degree neck pain, had bruising to his nose and forehead, and reported pain to his left wrist. He was discharged at § 87(2)(b).

##### Pre-Arrest Screening Form (enclosure 51)

The PASF shows that § 87(2)(b) was examined on August 24, 2003. The time is not specified. He complained of re-injuring his neck. There is bruising noted on his nose and forehead.

§ 87(2)(b) Documents (enclosure 52)

§ 87(2)(b), § 87(2)(b)'s orthopaedic doctor, noted on § 87(2)(b) that § 87(2)(b) "sustained severe injury to his cervical vertebrae requiring cervical plating" after an automobile accident in July of 2001.

Fire Department Sprint Printout (enclosure 53)

This document identified the EMTs who treated § 87(2)(b)

Police Documents

Sprint Printout (enclosure 54)

The sprint paperwork shows that the initial call regarding this incident was made by a civilian, who reported the injury to § 87(2)(b) at 2320 hours. ESU responded at 2323 hours. Several units from the 47<sup>th</sup> Precinct responded, including two lieutenants, a sergeant, and two additional units.

911 Transcript (enclosure 55)

This call is discussed above, under the heading § 87(2)(b)

§ 87(2)(b) Arrest Report (enclosure 56)

§ 87(2)(b)'s arrest report indicates that he was charged with § 87(2)(b). It states that no force was used in effecting the arrest. PO Debra Jack was assigned the arrest.

Property Clerk's Invoice (enclosure 57)

The invoice indicates that 2 boxes containing alcohol were removed from § 87(2)(b)s.

Summonses (enclosure 58)

§ 87(2)(b) was issued eight summonses for § 87(2)(b)

(narcotics). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

ESU Report (enclosure 59)

The ESU Report shows that that ESU officers did restrain § 87(2)(b) classified as an EDP, by using "straps and bag." § 87(2)(b) was placed in an ambulance and removed to a hospital.

Arrest Photo (enclosure 60)

§ 87(2)(b)'s arrest photo shows that he is wearing a brace around his neck. It also shows a small laceration to the right side of the base of his nose.

OCA (enclosure 61)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Incident Site Photographs (enclosure 62)

The investigator took photographs of the incident site from various perspectives. These photos show the layout of § 87(2)(b)

## **Conclusions & Recommendations**

Credibility Assessment

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(g) [REDACTED]  
[REDACTED]

§ 87(2)(b) [REDACTED]  
§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b) [REDACTED]  
§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b) [REDACTED]  
§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b) [REDACTED] & § 87(2)(b) [REDACTED]  
§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DI Galati & Lt. O'Sullivan

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Lt. Deentremont

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Determination of Fact

It is not in question that DI Galati, along with Lt. Deentremont, Lt. O'Sullivan, and PO Jack, went to § 87(2)(b) [REDACTED] on the evening of August 23, 2002, and that outside of the establishment, one or more of these officers observed under-aged males drinking hard alcohol. PO Jack initially remained outside of the establishment to issue the summonses, and DI Galati and Lt. O'Sullivan entered. Lt. Deentremont



*Officers History*

Lt. Deentremont has 16 complaints filed against him in a 16-year tenure with the department. Two of the cases were substantiated. In case 9602715 he received charges for a force allegation and case 200203144, a discourtesy, the Board recommended charges. The disposition of the case has not been decided.

*Allegation [A]- DI Galati entered and searched § 87(2)(b)*

It has been determined that officers did find underage individuals drinking hard alcohol outside of § 87(2)(b) which has only a beer and wine license. § 87(2)(g)

*Allegation [B] – Lt. Paul Deentremont used physical force against § 87(2)(b)*

§ 87(2)(g) Lt. Deentremont kicked § 87(2)(b) in the face. Patrol Guide Procedure 203-11 makes clear that such acts of excessive physical force are not permissible (enclosure 1). § 87(2)(g)

*Allegation [C] – Lt. Paul Deentremont spoke rudely to § 87(2)(b)*

§ 87(2)(g)

*Allegations [D] and [E] – PO Thomas Leonardi threatened to arrest and spoke obscenely to § 87(2)(b)*

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: